

**BRESSLER, AMERY & ROSS, P.C.**

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*Attorneys for Defendants*

*Ray & Sheri Trucking, LLC and Jason Kilburn*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

JUAN R. VEGA and MARIA VEGA, his  
wife,

Plaintiffs,

v.

JASON KILBURN, RAY & SHERI  
TRUCKING, LLC, ABC CORP. 1-X, (said  
name being fictitious, true name presently  
unknown), JOHN DOE 1-X, (said name being  
fictitious, true name presently unknown),

Defendants.

Civil Action No.: \_\_\_\_\_

**NOTICE OF REMOVAL  
(Diversity)**

Defendants Ray & Sheri Trucking, LLC and Jason Kilburn (hereinafter collectively, “Defendants”), through their counsel, pursuant to 28 U.S.C. §§ 1332, 1367, 1441 and 1446, and with a full reservation of any and all rights, claims, objections and defenses, hereby files this Notice of Removal from Superior Court of New Jersey, Law Division, Hudson County, in which the action is now pending under Docket Number L-4510-17 to the United States District Court for the District of New Jersey, and respectfully states:

**THE REMOVED CASE**

1. On or about November 2, 2017, there was commenced and is now pending before the Superior Court of the State of New Jersey, County of Hudson, a civil action entitled Vega, et

al. v. Kilburn, et al., Docket No. HUD-L-4510-17 (herein after “State Court Action”). A true copy of the complaint filed in that matter is attached as Exhibit 1.

### **JURISDICTION AND GROUNDS FOR REMOVAL**

2. This action is a civil action removable to this Court pursuant to 28 U.S.C. § 1441 because this Court has original jurisdiction over this cause under 28 U.S.C. § 1332(a)(1).

3. Defendant Ray & Sheri Trucking, LLC is a corporation of the State of Connecticut, having its principal place of business at 44 Beach Street, North Haven, Connecticut 06473.

4. Defendant Jason Kilburn is a resident of the State of Connecticut residing at 389 New Ridge Avenue, Waterbury, Connecticut 06708.

5. Based upon the Complaint, Plaintiffs Juan R. Vega and Maria Vega reside at 316-11<sup>th</sup> Street, Union City, New Jersey.

6. Accordingly, the diversity of citizenship requirement is satisfied pursuant to 28 U.S.C. § 1332(a)(1) and (c).

7. Plaintiffs assert in the Complaint personal injury due to negligence in the operation, control, maintenance and/or supervision of said motor vehicle resulting in pain, suffering, medical expenses, and economic losses. Although the Complaint does not state the monetary amount that Plaintiffs seek in relief, Plaintiffs alleges a serious incident and seeks damages for pain, suffering, medical expenses and economic losses, against the Defendants.

8. Accordingly, Defendants have a good-faith basis to believe that the matter in controversy in this action exceeds the sum or value of \$75,000, exclusive of interest and costs. Thus, the amount is controversy requirement is satisfied pursuant to 28 U.S.C. § 1322(a). This action is, therefore, a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332 and one which may be removed by Defendants pursuant to 28 U.S.C. §§ 1441(b) and 1446

in that it is a civil action wherein the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between citizens of different states.

**THE REMOVAL IS TIMELY AND PROCEDURALLY PROPER**

9. Plaintiff filed his Complaint in state court on or around November 2, 2017.

10. A courtesy copy of the Complaint was forwarded to Defendants' insurance carrier on or around November 3, 2017 by facsimile. Defendants did not receive the Complaint prior to the facsimile service of same. Upon information and belief, service has not yet been effectuated upon Defendants. Therefore, this Notice of Removal is filed within 30 days of first notice of the lawsuit and less than one year after commencement of the State Court Action. As such, it is timely under 28 U.S.C. § 1446(b).

11. All defendants Ray & Sheri Trucking, LLC and Jason Kilburn have consented to the removal of this action to the United States District Court for the District of New Jersey.

12. Pursuant to Fed. R. Civ. P. 81(c)(2)(C), Defendants' response to the Complaint is not due to be served until seven (7) days from today, or November 24, 2017.

**FILING OF REMOVAL PAPERS**

13. Pursuant to 28 U.S.C. § 1446(d), Defendants concurrently herewith give written notice of filing of this Notice of Removal to the Plaintiff and to the Superior Court, Hudson County, New Jersey. A copy of that Notice is attached to this Removal. (See Exhibit 2 (without exhibits)).

**WHEREFORE**, Defendants Ray & Sheri Trucking, LLC and Jason Kilburn hereby remove Case Number L-4510-17 from the Superior Court of New Jersey, Law Division, Hudson County to this Court for determination and respectfully requests that this Court make and enter an

Order of Removal of Case Number L-4510-17.

Respectfully submitted,

**BRESSLER, AMERY & ROSS, P.C.**

*Attorneys for Defendants*

*Ray & Sheri Trucking, LLC and Jason Kilburn*



By: \_\_\_\_\_

MaryJane Dobbs

Dated: November 17, 2017

**LOCAL RULE 11.2 CERTIFICATION**

Pursuant to Local Civil Rule 11.2, the undersigned hereby certifies that, at the time of filing the within, the undersigned is not aware that the matter in controversy is the subject of actions pending in any other court, or of any pending arbitration or administrative proceeding, except as disclosed herein.

Respectfully submitted,

**BRESSLER, AMERY & ROSS, P.C.**

*Attorneys for Defendants*

*Ray & Sheri Trucking, LLC and Jason Kilburn*



By: \_\_\_\_\_

MaryJane Dobbs

Dated: November 17, 2017

**CERTIFICATE OF SERVICE**

On this day, I certify that a copy of the above and foregoing notice was caused to be filed by ECF. I also hereby certify that a true copy of the above and foregoing notice was electronically filed via e-Courts with the Clerk's Office, Superior Court of New Jersey, Hudson County Courthouse – Administration Building, 583 Newark Avenue, Jersey City, New Jersey 07306.

I also hereby certify that a true copy of the above and foregoing notice was delivered by U.S. Priority Mail to:

Luis A. Martinez, Esq.  
LaBarbiera & Martinez  
9252 Kennedy Boulevard  
North Bergen, New Jersey 07047  
*Attorney for Plaintiffs*  
*Juan R. Vega and Maria Vega*



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Emily J. Bordens

Dated: November 17, 2017